

REMARKS

Applicant respectfully requests reconsideration of this application as amended.

Applicant reserves all rights with respect to the applicability of the doctrine of equivalents.

Status of Claims

Claims 1-15 and 17-20 are pending in the application. Claims 1, 6, 11, and 17 have been amended. The amended claims are supported by the specification. Claim 16 was previously canceled.

The specification has been amended to correct minor matters. No new matter has been added.

The Examiner has objected to the oath or declaration because the oath or declaration is alleged unsigned. The declaration filed with this patent application on March 30, 2001, was unsigned. On May 10, 2001, the United States Patent and Trademark Office ("PTO") mailed a notice to file missing parts of nonprovisional application based on the oath or declaration being unsigned. On July 18, 2001, applicant responded by mailing to the PTO a duly executed declaration with respect to this patent application. The duly executed declaration was signed by the inventor, Bruce Buffam, on July 16, 2001, and a copy has been enclosed with this amendment. Applicant respectfully submits that the Examiner remove any objection to the duly executed declaration that was mailed on July 18, 2001.

The Examiner has objected to FIG. 1 because of a lack of descriptive text legends and FIG. 2 because the arrows obstruct the text labels. The drawings have been amended with replacement sheets enclosed with this amendment.

Descriptive text legends have been added to FIG. 1. The arrows obstructing the text labels in FIG. 2 have been shifted and do not obstruct any text labels.

Additionally, any handwritten numeric references have been replaced with typed numeric references. Applicant respectfully submits that the amended replacement drawing sheets are in compliance with 37 C.F.R. 1.121(d).

Claim Rejections

Claims 1-15 and 17-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,760,335 of Andersson et al.

("Andersson") in view of U.S. Patent No. 6,366,580 of Bradley et al. ("Bradley").

It is submitted that claims 1, 6, 11, and 17, as amended, are patentable over the cited references. Each of claims 1, 6, 11, and 17 include the limitations of checking a multiplexed connection's bandwidth capacity to carry a call and overflowing the call onto a non-multiplexed connection without sending the call onto the multiplexed connection when the multiplexing connection's bandwidth is insufficient to carry the call.

The Office Action states that Andersson does not explicitly disclose a non-multiplexed connection. (Office Action, 03/07/06, page 4). Applicant agrees that Andersson does not disclose a non-multiplexed connection.

Andersson discloses determining whether AAL2 mux resources are lacking and/or excessive relating to a particular AAL2 signaling relation between first and second nodes during network operation. (Andersson, col. 4, lines 27-30). Andersson also discloses adding or removing at least one AAL2 mux based on the above determination. (Andersson, col. 4, lines 31-35).

In contrast, each of claims 1, 6, 11, and 17 include the limitation of overflowing the call onto a non-multiplexed connection without sending the call onto the multiplexed connection when the multiplexing connection's bandwidth is insufficient to carry the call.

Therefore, Andersson does not disclose or suggest the limitations stated in claims 1, 6, 11, and 17.

Bradley discloses a method of changing the characteristics of telephone call data on an ATM network that is initially transmitted via a first SVC between a first ATM switch and a second ATM switch. (Bradley, col. 2, lines 36-39). Bradley discloses that the switch-over from the first SVC to the second SVC is accomplished without interrupting service. (Bradley, col. 2, lines 52-55).

Bradley also discloses that there may be advantages to having a single channel per ATM instead of multiplexing multiple channels onto a single SVC. (Bradley, col. 1, lines 53-55). Having a single channel per ATM SVC avoids the necessity of having to de-multiplex and multiplex at the packet level. (Bradley, col. 2, lines 56-58). Thus, Bradley explicitly teaches against multiplexing multiple channels onto a single SVC.

In contrast, each of claims 1, 6, 11, and 17 include the limitations of checking a multiplexed connection's bandwidth capacity to carry a call and overflowing the call onto a non-multiplexed connection without sending the call onto the multiplexed connection when the multiplexing connection's bandwidth is insufficient to carry the call.

Bradley explicitly teaches against a multiplexed connection. Bradley also does not disclose overflowing the call onto a non-multiplexed connection without sending the call onto the multiplexed connection when the multiplexing connection's bandwidth is insufficient to carry the call.

Therefore, Bradley does not disclose or suggest the limitations stated in claims 1, 6, 11, and 17.

It is also respectfully submitted that Andersson does not suggest a combination with Bradley, and Bradley does not suggest a combination with Andersson because Bradley explicitly teaches away from such a combination. It would be impermissible hindsight to combine Andersson with Bradley based on applicant's own disclosure.

Furthermore, even if Andersson and Bradley were combined, such a combination would lack overflowing the call onto a non-multiplexed connection without sending the call onto the multiplexed connection when the multiplexing connection's bandwidth is insufficient to carry the call as recited in claims 1, 6, 11, and 17.

Therefore, in view of the above distinction, neither Bradley nor Andersson, individually or in combination, disclose each and every limitation of claims 1, 6, 11, and 17, as amended. As such, claims 1, 6, 11, and 17 are patentable over Andersson in view of Bradley under 35 U.S.C. § 103(a).

Given that claims 2-5, 7-10, 12-15 and 18-20 depend from a respective one of the independent claims 1, 6, 11, and 17, it is submitted that claims 2-5, 7-10, 12-15 and 18-20 are also patentable over the cited references.

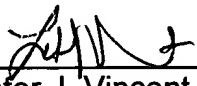
In view of the foregoing amendments and remarks, applicant respectfully submits that all of the rejections and objections have been overcome.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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